

08cv3421

FILED

MHV

STATE OF ILLINOIS

COUNTY OF RANDOLPH

) SS

JUN 13 2008 *aw*

6-13-2008

MICHAEL W. BOBBING
CLERK, U.S. DISTRICT COURT

AFFIDAVIT

I, James G. Turner - ex, being first duly sworn upon my oath depose and state that the following matters are both true and correct made upon personal knowledge and belief, and if called as a witness, I am competent to testify thereto: 1) That I am a prisoner in the custody of the Ill. Dept of Corrections (IDOC) at Menard Correctional Center (Menard) confined to the Disciplinary / Segregation Unit.

2) That following Judges of U.S. District Court for Southern District of Illinois ordering I pay filing fees. Defendant(s) Zielinski, started taking a few dollars from my Idle pay that she was stealing every month in its entirety and sending a few dollars on my filing fee debt, though both she and the Clerk of the Court knew that my state Idle Pay could not be taken for legal expenses or Court costs, unless amount received monthly to my prison account exceeded \$10.00 and because it was never over \$10.00 nothing could be taken, yet defendant took it anyway and mailed to the clerk of the Court who received it and paid towards my filing fee debt.

3) Defendant(s) Zielinski then later Pantler violated their own rules by taking my \$10.00 monthly Idle Pay yearly.

4) Further clerk of the U.S. District Court for the Southern District of Illinois erred by receiving monies from defendants to pay costs of my filing fee debt, when amount received should have alerted clerk I only had \$10.00 or less in my prison account when money was sent, therefore, clerk could not accept it, because in doing so, clerk violated 42 U.S.C. §1997, because amount of money received to my prison account never exceeded \$10.00 monthly.

5) That by defendants stealing my State Pay each month they were violating their own rule 06.03.103.

Affidavit (continued) Page 2 of 2

- 6) By defendant(s) continually stealing my Idle Pay they deprived of monies to tend to my serious hygienic needs, resulting in my suffering complete deterioration of my hygiene, boils under my arm pits, ear wax, dandruff, Athletic foot problems, irritating skin rash, and massive hair and tooth loss. Depriving me of the basic civilized measure of life's amenities, subjecting me to imminent danger and cruel punishment.
- 7) Each month I'm deprived of my Idle pay my condition worsens.
- 8) Because, the Court Clerk under 42 U.S.C. §1997 had no authority to accept Filing Fee payments knowing amount in my prison account never exceeded \$10.00 he erred and he should be required to return my money to me. Also, defendants had no authority to take my Idle pay for legal costs or Court Filing fees, they too should be ordered to reimburse my monies to me.
- 9) I am suffering irreparable injury and need protective orders.
- 10) That further I sayeth not.

Pursuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/1-109, I declare, under penalty of perjury, that everything contained herein is true and accurate to the best of my knowledge and belief. I do declare and affirm that the matter at hand is not taken either frivolously or maliciously and that I believe the foregoing matter is taken in good faith.

Signed on this 7th day of June, 2008.

James B. [Signature] 38
Affiant